

BROADWAY BOULEVARD EUCLID TO COUNTRY CLUB

Questions Raised by CART Committee
Concerning Project Implementation

Thomas A. Benavidez
Attorney at Law

Introduction

At the Committee's last meeting on January 22, 2013, the following specific questions were raised:

1. *Does the City, as the Lead Agency, have the authority to modify the project from what is described in the approved ballot;*
2. *If the City, as the Lead Agency, has this authority, is the RTA still obligated to contribute its voter-approved funds to the modified project;*
3. *If the City lacks this authority, yet chooses to act as though it does have it, is the RTA obligated to take action to require the City to adhere to what the RTA believes to be the voter-approved mandate?*

QUESTION 1

Does the City, as the Lead Agency, have the authority to modify the project from what is described in the approved ballot?

SHORT ANSWER 1

The Broadway Blvd. widening is an RTA project. The RTA designates the City as the “Lead Agency” on the project through a contract with the City. When it comes time to implement the project, the RTA and the City will enter into a contract, with a specific scope of work or project description. However, at this point, the project is in the planning and design phase.

QUESTION 2

If the City, as the Lead Agency, has this authority, is the RTA still obligated to contribute its voter-approved funds to the modified project?

SHORT ANSWER 2

The RTA will provide funding to the City for project implementation only if the City implements the project consistent with the terms of the contract between the RTA and the City.

QUESTION 3

If the City lacks this authority, yet chooses to act as though it does have it, is the RTA obligated to take action to require the City to adhere to what the RTA believes to be the voter-approved mandate?

SHORT ANSWER 3

The RTA would be obligated to enforce its rights under its contract with the City. If the City doesn't build the project as agreed, the RTA would not provide its funding to the City. Realistically, this kind of a contract dispute isn't likely because the City and RTA would have defined the project scope before signing the contract.

BACKGROUND INFORMATION TO PROVIDE CONTEXT FOR THESE ANSWERS

- * The RTA Board retains authority to implement the Regional Transportation Plan.
- * The voters must approve any substantial or elemental changes to the Plan.
- * The RTA Board has adopted a policy not to diminish individual project functionality.
- * The RTA Board engages its committees to inform the Board on specifics of project design and implementation.

Conclusion

The bottom line is that when it comes time to build the Broadway Blvd. project, the City and RTA will have to have agreed on the specific scope of the project. Therefore, the likelihood of a dispute with the City, as the “Lead Agency” on the project, is quite low.